

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>  <b>ORLY GINGER,</b>  <b>Debtor.</b>	<b>§</b> <b>§</b> <b>§</b> <b>§</b> <b>§</b>	<b>CHAPTER 7</b>  <b>CASE NO. 19-10926-TMD</b>
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**EXHIBIT LIST AND WITNESS LIST OF DALIA GINGER AND D&K GP LLC**

Dalia Genger and D&K GP LLC, creditors and parties in interest, with rights of enforcement as a judgment creditor in the above captioned Chapter 7 case, serves this Exhibit List and Witness List and respectfully designates the following potential exhibits and witnesses for the October 23, 2019 hearing regarding the

*Expedited Motion for Order to Show Cause* [Docket No. **42**];

*Application for Retention of Kasowitz Benson Torres LLP as Attorneys for a Special Purpose Pursuant to 11 U.S.C. §327(e)* [Docket No. **59**];

*Chapter 7 Trustee's Motion to Quash Subpoena* [Docket No. **60**];

*Debtor's Motion to Quash Subpoenas* [Docket No. **62**];

*Creditor Arie Genger's Expedited Motion for Protective Order* [Docket No. **76**];

*Eric Herschmann's Motion for Protective Order* [Docket No. **88**];

*Chapter 7 Trustee's Motion for Entry of an Order Extending Time to File Notices of Removal of Civil Actions* [Docket No. **81**]; and

*Motion for an Order, Pursuant to Bankruptcy Rule 9018 and Section 107(b) of the Bankruptcy Code, Authorizing Sagi Genger to File Under Seal Certain of the Exhibits and Portions of the Motion to Dismiss Bankruptcy Case or, Alternatively, to Transfer Venue* [Docket No. **31**];

Exhibit and Witness List  
Dalia Genger and D&K GP LLC

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\*This exhibit is confidential pursuant to the Protective Order and is not being circulated amongst the parties.

## **Exhibits**

<b>Exh.</b>	<b>Description</b>	<b>Marked</b>	<b>Admitted</b>
1	Global Notes, Methodology and Specific Disclosures Regarding the Debtor Schedules of Assets and Liabilities and Statement of Financial Affairs [Docket No. 20]		
2	Protective Order – No. 17-cv-08181-VSB-DCF; <i>Dalia Genger v. Sagi Genger v. Orly Genger</i>		
3	Chart of Distribution of Exhibits in response to the <i>Order Requiring Supplemental Information Filed Under Seal</i>		
4	Order - <i>Genger v. Genger</i> , Civil Action No. 1:19-mc-00366-LY, Western District of Texas, Doc. No. 11		
5	Decision and Order on Motion to Restore - <i>Orly Genger, Orly Genger 1993 Trust v. Dalia Genger, Sagi Genger, D&amp;K GP LLC, TPR Investment Associates, Inc., Leah Fang</i> , Index No. 109749/2009, Supreme Court of the State of New York, New York County, Doc. No. 1652		
6	Brief on false statements dated May 13, 2019, in the <i>Genger v. Genger</i> , 1:17-cv-008181-KBF-DCF litigation		
7	Notice and Memorandum of Law in Support of Non-Party Creditor KBT's Motion to Quash Subpoena, <i>In re Orly Genger</i> , Case No. 19-mc-459, in the United States District Court for the Southern District of New York (underlying Case No. from U.S. Bankruptcy Court for the Western District of Texas: 19-bk-10926-TMD)		
8	Metadata from Stein & Harris		
9	Lance G. Harris' testimony regarding the metadata		
10	Metadata from Kasowitz Benson Torres LLP		
11	UCC-1 financing statement filed by Arie Genger on August 3, 2018, with filing number 52927326 in the State of New Jersey		
12	Deed of Trust, dated September 17, 2018, filed in the Real Property Records of Travis County, Texas as filing number 2018154120		
13	Opinion - 76 F.Supp.3d 488, <i>Genger v. Genger</i> , No. 14-cv-5683 (KBF), Southern District of New York		

14	Settlement Agreement dated		
15	Declaration of Non-Party Eric Herschmann – Cause No. A-19-MC-0366-LY, <i>Sagi Genger v. Orly Genger</i> , United States District Court for the Western District of Texas		
16	Declaration of Eric Herschmann – Cause No. 1:17-cv-08181-KBF-DCF, <i>Dalia Genger v. Sagi Genger v. Orly Genger</i> , United States District Court for the Southern District of New York		
17	American Express Statement*		
18	Deposition Transcript of Michael Bowen dated October 5, 2018		
19	Letter from Daniel R. Benson to John Dellaportas dated May 2, 2019		
20	Transcript with Orly Genger*		
21	Third Amended Verified Petition for Removal of Dalia Genger as Trustee – File No. 0017/2008, <i>In the Matter of Application of Orly Genger, as a person interested, for the removal of Dalia Genger, as Trustee of the Orly Genger 1993 Trust</i> , in the Surrogate’s Court of the State of New York, County of New York		
22	Petition for Turnover of Trust Property and Other Relief – <i>Dalia Genger v. Orly Genger, Arie Genger, Glencova Investment Company, RT Investors, LLC, New TR Equity I, LLC, New TR Equity II, LLC, Trans-Resources, Inc., Arnold Broser, David Broser, John Does 1-20 and Jane Does 1-20</i> , Surrogate’s Court of the State of New York, County of New York		
23	Independent Accountant’s Report Michael Kupka CPA/ABV/CFF, CFE, CVA Mazars USA, LLP – Index No. 100697/2008, <i>Orly Genger v. Sagi Genger</i> , Supreme Court of the State of New York, County of New York*		
24	Orly Genger engagement letter with Kasowitz Benson Torres LLP*		
25	Judicial notice of this Court’s docket, filings, hearings, and notices for all purposes, including judicial admissions of facts or authentication of documents		

Dalia Genger and D&K GP LLC also incorporates (although not authenticating or agreeing to the admissibility of) any exhibits identified by any other party.

Additionally, Dalia Genger and D&K GP LLC includes for rebuttal purposes, as the case may be, all writings and/or documents that are necessary to explain, complete or otherwise put in context any writings and/or documents introduced by any other party. Furthermore, Dalia Genger and D&K GP LLC also includes any exhibits that may be necessary for rebuttal purposes but that are not reasonably anticipated at this time.

### **WITNESSES**

1. Ron Satija;
2. Eric Herschmann;
3. Michael Bowen;
4. Any witnesses identified or called by any other party; and
5. Any witnesses necessary for rebuttal purposes that are not reasonably anticipated at this time.

Dalia Genger and D&K GP LLC reserves the right to amend or supplement this Exhibit List and/or Witness List at any time prior to the hearing in accordance with all applicable rules, any newly discovered or produced documents or evidence, or documents withheld under claim of privilege.

Dated: October 18, 2019.

Respectfully submitted,

/s/ Shelby A. Jordan  
Shelby A. Jordan  
Texas Bar No. 11016700  
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**ATTORNEYS FOR DALIA GENDER AND  
D&K GP LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certified that a true and correct copy of the foregoing instrument has been served on this 18<sup>th</sup> day of October 2019 upon the parties listed in the attached service list and via ECF notification.

/s/ Shelby A. Jordan

Shelby A. Jordan

**Via ECF**

United States Trustee – AU12  
United States Trustee  
903 San Jacinto Blvd., Suite 230  
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**Via ECF**

Arie Genger  
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Dykema Gossett PLLC  
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**Via ECF**

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**Via ECF**

Eric Herschmann  
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San Antonio, TX 78218-3010

**Via ECF**

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c/o Sabrina Streusand & TPR Investment  
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**Via ECF**

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**Via ECF**

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Munsch Hardt Kopf & Harr PC  
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Austin, Texas 78701

**Via ECF**

SureTec Insurance Co.  
c/o Ryan Brent DeLaune  
Clark Hill Strasburger  
901 Main Street, Suite 6000  
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**Via ECF**

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